

RESOLUTION NO. 2005-264

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING SBC ENCROACHMENT PERMIT
CONDITION (VIDEO PROGRAMMING LIMITATION) FOR
NEW FACILITIES INSTALLATIONS

WHEREAS, in November 2005, SBC announced that network lab and field trials are underway for "Project Lightspeed," a program to deploy fiber optic service to residential areas; and

WHEREAS, construction of the network is planned to begin the first quarter of 2006, with the City of Lodi expected to be in the earliest phases of the program; and

WHEREAS, Project Lightspeed will allow SBC to provide video services within the area served using internet protocol. The video capabilities of this program may conflict with existing and future cable franchises within the City of Lodi; and

WHEREAS, staff recommends that the City Council approve the inclusion of the following condition on all future SBC Encroachment Permits issued for facilities installation:

"By accepting this permit, SBC agrees on behalf of itself and its affiliates and assigns that it will not provide video programming (including but not limited to programming delivered using internet protocol) over its facilities located within the City's rights of way to subscribers within the City without first obtaining a cable franchise or an open video system franchise from the City."

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby approves the SBC Encroachment Permit Condition (Video Programming Limitation) for new facilities installations and its inclusion on all future SBC Encroachment Permits issued for facilities installation, as shown in the preceding paragraph.

Dated: December 21, 2005

I hereby certify that Resolution No. 2005-264 was passed and adopted by the Lodi City Council in a regular meeting held December 21, 2005, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hansen, Mounce,
and Mayor Hitchcock

NOES: COUNCIL MEMBERS – Johnson

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


SUSAN J. BLACKSTON
City Clerk